



NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA) (42 U.S.C. 4321-4347, as amended through 1982)

Introduction

NEPA is the most significant piece of environmental legislation enacted in the United States. It requires all Federal agencies to consider the environmental effects of agency actions in planning and decisionmaking rather than basing decisions on technical and economic factors alone. In addition, it mandates that Federal agencies seek less environmentally damaging ways to accomplish their missions. Compliance with NEPA also ensures that an agency has properly coordinated its actions with other interested individuals/organizations and fully considered relevant public opinion and the best available scientific information concerning the effect of its proposed actions on the use of natural resources.

When a federal agency proposes an action that may significantly affect the environment, NEPA requires that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) be developed by that agency. An EA or EIS as defined in NEPA is a detailed statement by the agency regarding the environmental impacts, both short and long term, of a proposed action and alternatives to the proposed action. It should outline in clear language the information used to arrive at a decision. The finding of an EA concludes either that no significant impact will result from the proposed action, or that the impact may be significant and an EIS is necessary. An EIS is generally a longer document than an EA and there are more steps in the EIS process because of the increased likelihood of a significant impact resulting from a proposed action. Both an EA and an EIS document an agency's analysis of several alternative solutions to a problem and its decision to choose one of the alternatives to implement.

NRCS National Policy (General Manual, Title 190, Part 410 – Compliance with NEPA)

Although not a regulatory agency, NRCS can and should provide technical and financial assistance so its clients can proactively identify potential environmental issues and avoid violating requirements. NRCS will make no program or resource decision without considering the effect of that decision on the environment. NEPA and other environmental laws and regulations require developing or referencing certain documentation and undertaking certain consultations. NRCS will make no program or resource decision without first fulfilling these obligations.

The environmental aspect of NRCS planning begins with the **Environmental Evaluation (EE)**. The EE is a preliminary scoping process that identifies the ecological, social and economic factors that a proposed action on a property is likely to affect. NRCS field offices will conduct an EE to determine the potential effects of proposed solutions to resource problems for all

planning activities. Results of the EE will be documented on form SCS-CPA-52, “Environmental Effects for Conservation Plans and Areawide Plans,” including a determination regarding whether further analysis is required. For situations in which NRCS is providing technical but not financial assistance, no additional documentation is needed. Where financial assistance is involved, NRCS must determine whether a proposed action will have a significant effect on the quality of the environment. If the effect will not be significant, reasons supporting the finding are documented and planning may proceed. If it is unknown if, or likely that, the effect will be significant, the action must be modified so that the effect is not significant or the State Environmental Liaison must be contacted to help determine whether further documentation is necessary. Further documentation may entail the development of an EA or EIS. *Significance* as used in NEPA requires consideration of the context and intensity of the effect. An effect may be beneficial as well as adverse. See GM 190, Part 410.4 (k) for guidance on determining whether an effect is significant.

For more information on NEPA and NRCS policy implementing NEPA, go to <http://www.nrcs.usda.gov/technical/ECS/environment/>.

Florida NRCS Compliance Protocol for NEPA

The **SCS-CPA-52** and **FL-CPA-30**, “Planning Considerations and Environmental Concerns Checklist,” will be used in Florida to ensure that environmental effects of proposed actions are adequately analyzed and addressed when developing conservation plans and providing conservation technical assistance. The FL-CPA-30 provides guidance and instructions to assist the planner in completing the SCS-CPA-52. These two forms and other appropriate documentation will be completed by NRCS planners to document the decisionmaking process. It is important that this documentation be thorough and accurate, as its findings determine whether additional environmental analysis is necessary. Practicable alternative solutions for addressing resource concerns should be documented during this process, particularly when NRCS financial assistance is involved. Activities involving NRCS financial assistance qualify as **federal actions**; therefore, NRCS must thoroughly analyze practicable alternatives to fulfill its NEPA responsibilities if the effects of a given action are potentially significant.

Most NRCS planning activities in Florida do not result in significant effects on the environment. An exception to this are PL-566 (Small Watershed Program) projects, as they typically meet one or more of the criteria for significance of effects. NRCS national policy directs that an EA or EIS be completed for PL-566 projects. This is conducted by NRCS State Office staff. For more information on Florida NRCS responsibilities for fulfilling NEPA requirements, see GM 190, Part 410.